

1. The reply filed on January 5, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). The Office action of April 2, 2008 stated that:

*Claims 56, 75, and 77-82 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 76, from which all of the instant claims depend, requires a nucleic acid molecule "comprising SEQ ID NO:3 or SEQ ID NO:5". However, claim 77 (from which each of claims 56, 75, and 78-82 depend) encompasses any molecule "consisting of a sequence of at least 14 consecutive nucleotides of SEQ ID NO:3, SEQ ID NO:5, or a complementary sequence thereof." Thus, claims 56, 75, and 77-82 do not require all the limitations of the claim from which they depend (claim 76), and are not proper dependent claims.*

2. The objection is now moot with regard to canceled claim 78. However, while applicant has amended claim 76 to require a molecule "consisting of SEQ ID NO:3 or SEQ ID NO:5," dependent claim 77 continues to embrace fragments of SEQ ID NOs 3 and 5 and complements thereof, such that claim 77 does not in fact further limit claim 76, but is rather of a broader scope. Claim 77 and the claims dependent therefrom remain improper dependent claims. As the Office action of April 2, 2008 **required** applicant to "cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form", applicant's reply is not fully responsive to the Office action. See 37 CFR 1.111. It is also noted that claim 77 is

not further limiting of claim 41 as amended; thus, amending claim 77 to depend from claim 41 would not overcome the present objection. However, the objection could be overcome by simply rewriting claim 77 in independent form.

3. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday and Thursday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached at 571/272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diana B. Johannsen/  
Primary Examiner, Art Unit 1634